



South Coast Air Quality Management District

Engineering & Compliance

*Policies &
Procedures*

SOUTH COAST AIR QUALITY MANGEMENT DISTRICT

STATIONARY SOURCE COMPLIANCE

MEMORANDUM

DATE: June 28, 1993
TO: All SSC Staff
FROM: Pat Leyden /s/ Pat Leyden
SUBJECT: Guidelines for Issuing Notices of Violation and Notice to Comply -- District Rule 1171

We are now about half way through the office review of our Field Inspection programs. I'm impressed with not only the dedication of our teams, and the inherent success of closer collaboration between our engineers and inspectors ... but also with the **creativity** that the teams have shown in developing recommendations to improve our field programs. Rule 1171 is a case and point.

The attached guidelines have been developed in concert with the Chief Prosecutor's Office to identify the circumstances under which the District will issue Notices of Violation (NOV) or Notices to Comply (NC) to sources found to be in violation of **District Rule 1171**.

Additional guidelines governing other District Rules will be published as we progress through the balance of the field inspection review.

Please note:

- (1) Whenever an asterisk (*) appears in these guidelines after the word "sample," it is meant as a reminder of official District Policy that whenever the nature of a chemical compound is at issue, as it is with all VOC violations, **direct evidence (a sample)** of the nature of the substance should be collected to prove the violation, unless it is **physically impossible** to do so.

If a sample cannot be obtained, **circumstantial evidence** collected at the scene may be sufficient to prove the elements required for a violation. All available circumstantial evidence should be collected. In the case of a solvent violation, for example, field personnel should collect.

Circumstantial evidence of content

- * material safety data sheets (MSDS)
- * product labels
- * required usage records listing VOC content entries and other relevant information
- * statements from the operator/owner
- * purchase and/or supplier record

Circumstantial evidence of product use

- * documented admission from employee that coatings and solvents were used
- * records indicating usage for the day(s) in question
- * presence of material so recently coated that it is sticky to the touch
- * wet spray gun hooked up or standing by
- * photographs showing that coatings were applied

- (2) **The compliance deadline for a Notice to comply shall not exceed two weeks** unless a longer period is approved in writing by an assigned field supervisor. In no event shall the supervisor approve an extension that exceeds twenty-one (21) calendar days unless approved in writing by the supervisor's team manager.
- (3) Because **these guidelines are official District Policy**, there should be no deviation without prior written approval of an assigned field supervisor. Field supervisors, in turn, should consult with their assigned team manager if there are doubts as to whether to approve a deviation under these guidelines. Staff lawyers in the Chief Prosecutor's Office are available at all times to answer questions about the application of these guidelines.
- (4) The full signature of the appropriate personnel, as delineated above, and the date of the signature on the face of the NOV or NC, shall suffice as written approval.
- (5) The reviewing supervisor shall be responsible for assuring that this policy is followed, including and deviations from same.

If you have any questions or need additional information, please contact Ed Pupka (x3332) or Peter Mieras (x3400).

PL/DL:PM/ELP:CSA
Attachment
cc: Jim Lents
Diana Love